

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, JULY 18, 2019 - 1:00 P.M.**

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**CALL TO ORDER**

Mr. Peregrine, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:     Robert Peregrine     James Siepmann     William Mitchell  
                                 William Maslowski

Members Absent:     Richard Morris  
                                 Tom Michalski

Staff

Members Present:     Jason Fruth, Planning and Zoning Manager  
                                 Rebekah Leto, Senior Land Use Specialist  
                                 Paige Drew, Administrative Specialist

**CORRESPONDENCE:**     None.

**MEETING APPROVAL:**     None.

**MINUTES:**                     Approval of the June 20, 2019, Minutes

*After discussion, Mr. Siepmann moved, seconded by Mr. Maslowski and carried unanimously for approval, of the June 20, 2019, Minutes as presented.*

**PUBLIC COMMENT:**     None.

• **Election of Officers for the Park and Planning Commission**

It was decided that the new officers would be:

- Mr. Peregrine, Chairman
- Mr. Mitchell, Vice Chairman
- Mr. Siepmann, Secretary

*Mr. Siepmann moved, seconded by Mr. Maslowski and carried unanimously for approval.*

• **RZ43 (Town of Waukesha Board) Town of Waukesha**

Mr. Fruth indicated the request is for a text amendment to the Town of Waukesha Zoning Code relating to Conditional Use provisions.

Mr. Fruth noted the Town of Waukesha is working to rewrite their Conditional Use provisions. The Town is choosing to repeal all of their Conditional Use provisions temporarily. Mr. Mitchell questioned what will become of new and existing operations during the amendment process? Mr. Fruth clarified there will be no change in operations that are currently active with a Conditional Use; however, a new operation requires a petition to the Town asking that they accommodate the particular use type.

*After discussion, Mr. Mitchell moved, seconded by Mr. Maslowski and carried unanimously for approval in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **CU28 (Lawrence and Sandra Stover) Town of Merton, Section 27**

Mr. Fruth pointed out the location of the property, at W309 N6319 Cindy Lane in the Town of Merton on the aerial photograph. He indicated the request is for land altering activities to improve site drainage.

Mr. Fruth noted that there are two (2) different properties owned jointly by the petitioners, who are situated on the south end of Cindy Lane. Water runs down the hillside of Cindy Lane and impacts several properties along the shoreline of Beaver Lake. The problem area is located near the private road, where water ponds in the front yard across from a wetland area. Multiple actions have been taken over the years to improve the drainage, one being the use of fill on a portion of the property. A culvert was removed from the property in 2018 to relieve road buckling, and Cindy Lane was raised and repaved. Mr. Fruth presented photographs of the floodplains on the property. Neighboring owners in the area are in agreement that further actions need to be taken.

Mr. Fruth introduced Ms. Leto, Senior Land Use Specialist, to the table. Ms. Leto explained the water is flowing to the northwest, to the wetland, and is intercepted by a small berm which leads the water to a culvert towards the lake. Nearby owners are considering changes to alleviate the slow drainage across the property. A small pipe be is to be placed where the culvert on Cindy Lane had previously been removed. Mr. Fruth noted the Land Resources Division Staff will review the size and placement of the pipe.

Mr. Fruth clarified the proposal is for the reshaping and relocation of a smaller basin area. The basin would shift the standing water further away from the property line, benefiting the neighbor to the west. If approved as conditioned, the petitioners would be required to submit a landscape plan for the area surrounding the basin, obtain a Stormwater Permit for erosion control, revise the grading plan to include existing topography, and present an as-built grading plan. Without the relocation of the basin, the petitioner is in jeopardy of suffering from further damage to the front yard and potential harm to the residence.

Mr. Stover, the petitioner, indicated he would like to put in a two (2) inch pipe to allow room for drainage. The pipe would be small enough to fit underneath the pavement and above the floor of the collection basin without putting a buckle in the road. He noted the owners of the residence would be responsible for the pipe maintenance.

*After discussion, Mr. Maslowski moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **CU25 (Christopher Kappl/Kingfogl Construction Co. LLC) Town of Oconomowoc, Section 24**

Mr. Fruth pointed out the location of the property, at W344 N6569 Jorgenson Way in the Town of Oconomowoc on the aerial photograph. He indicated the request is for land altering activities associated with the construction of a new single-family residence with attached garage, deck, patio, pool, pool house, and retaining walls.

Mr. Fruth noted the property is at the end of Jorgenson Way. The owner is in violation of the Ordinance, as the property has been cleared of nearly all vegetation without permits. The owner and his representatives questioned the removal of vegetation prior to doing so. The Planning and Zoning Division requested significant restoration activities in the form of planting native species and a shore buffer of 35 ft. including trees. Citations have also been issued for the removal of vegetation without permits.

Mr. Fruth presented photographs of predevelopment and post vegetation removal of the property. The owner's representatives provided a tree count on the property (predevelopment) to the Planning and Zoning Division; however, they did not capture the species type. Waukesha County's Parks and Land Use Conservation Biologist visited the site to identify the native species from the discarded logs. The Ordinance calls native trees of 12 inches or more priority trees, at least 37 trees on the property were at least that size.

Mr. Fruth described the grading proposal on the property. The area with significant grading proposed is inclusive of the wrap-around driveway with a lower level garage entry. The proposal would be a gentle change in grade for much of the driveway, working with the land as it is. The biggest cut would be near the lower level garage entry. The area is already disturbed, as this is where the existing residence sat. Mr. Fruth noted the most significant area of grade change is where the pool is being proposed. The pool is being positioned on what is currently a slope. The owner's representatives have refined the plan, as the first proposal contained severe cuts instead of using natural curves. The final area of major impact is the 9 ft. differential in grade for a sport court within the residence.

Mr. Fruth noted the Planning and Zoning Division Staff recommended a plan involving mitigation, as much of the property is occupied with the footprint of the residence and accessory uses. The owner's representatives brought forward a plan which extends the shore buffer to 50 ft. instead of 35 ft. and introduces additional trees around the driveway and the east property line. The residence is being pushed back to 95 ft. to utilize a code provision that allows for the home to be 44 ft. over 42 ft. in height in exchange for providing an additional three (3) trees between the principle structure and lake. Overall, the number of replacement plantings is close the original 37 trees removed. The quantities of native perennials in the plan is roughly 1,500. The impact in the short-term is severe; however, the long-term implementation will likely result in better natural resources than the site began with. The Park and Planning Division Staff feels the proposal is acceptable.

Mr. Mitchell questioned if the Town of Oconomowoc or Waukesha County is responsible for enforcing the mitigation? Mr. Fruth stated that Waukesha County is responsible. The Planning and Zoning Division anticipates conducting annual inspections. Mr. Maslowski questioned if there is any recourse when there are violations and the Conditional Uses are not fulfilled to Waukesha County's expectations? Mr. Fruth indicated there are different legal remedies that can be pursued such as citations, bringing forward a lawsuit, or terminating the Conditional Use. Mr. Maslowski voiced concerns regarding the cost of enforcement by the department and if taxpayers would be affected. Mr. Fruth noted it is important to separate the violation from the proposal. The proposal is to depart from routine grading and

implement grading that slightly exceeds typical standards affiliated with a residence. The Planning and Zoning Division requires monitoring, maintenance and inspections on projects affiliated with shoreline mitigation. He emphasized responsibility will be placed on the property owner to hire a company to send reports to the Planning and Zoning Division.

Mr. Siepmann noted the home is much bigger than most residences on Okauchee Lake. Although the property owner has a right to a 78 ft. viewing corridor, the Park and Planning Commission has the latitude to request a greater shoreland buffer in order to lessen the impact on the lake. Mr. Fruth indicated that the Planning and Zoning Division's strategy was to match what law calls for and what the Ordinance provides on a percentage basis (35%). He noted the main focus is to mitigate tree loss across the property. Some of the trees located at the shoreline were invasive; thus, the Planning and Zoning Division is requiring trees to be planted within the shore buffer. A majority of the planting is being directed towards the sloping area that contained woods and vegetation beforehand. Mr. Siepmann suggested that a buffer strip near the shore within a portion of the view corridor could help with filtering runoff. The Commission supported a 20 ft. deep buffer with native perennials and grasses.

Mr. Kappl, the property owner, noted he envisions a space near the shoreline to have a seating area, pier and boats. Mr. Maslowski questioned if there are plans for a boathouse? Mr. Kappl stated there are no plans for a boathouse at this time. Mr. Fruth noted the property is maxed out on impervious surface with the planned improvements.

*After discussion, Mr. Siepmann moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with a change to Condition No. 7 which will now read:*

*7. The final landscaping plan shall substantially comply with the proposed Mitigation and Preliminary Landscape Plan completed by Seasonal Services Ltd., dated 4/23/2019, except that the shore buffer area must be expanded and extended across the view corridor area to a minimum depth of 20 ft. from the lakeshore along all but 35 ft. to 40 ft. of said view corridor. This is in addition to the 50 ft. deep shore buffer area depicted on the 4/23/2019 plan. At a minimum, the plan shall be revised to incorporate short- and long-term maintenance requirements; revise the plant densities noted in the table and the planting schedule so that they are consistent; identify the species of the trees labeled "TBD"; and provide a plant list and cross section of the outcroppings near the pool to ensure they are adequately screened (at least 50%).*

• **SCU-1643 (Fluerty Girls) Town of Oconomowoc, Section 8**

Mr. Fruth pointed out the location of the property, at W379 N8453 Mill Street in the Town of Oconomowoc on the aerial photograph. He indicated the request is for termination of an existing Conditional Use for an antique and resale shop.

Mr. Fruth noted an antique and resale shop opened on the property in 2017 and closed by January 2019. The request is to terminate the existing use of the antique shop. The use of the tavern will continue and the vacated space will be used by the tavern.

*After brief discussion, Mr. Mitchell moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **PPC19 008 (Michael D. Mehlos) Town of Oconomowoc, Section 35 and 36**

Mr. Fruth pointed out the location of the property, at W352 N5276 Lake Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is for replacement retaining walls located within 5 ft. of the south property line.

Mr. Fruth presented photographs of a failing retaining wall on the property. He noted the proposal is to replace the existing 6 ft. retaining wall with a series of two 3 ft. walls. The only condition being recommended is that a wall drainage plan must be provided.

*After discussion, Mr. Maslowski moved, seconded by Mr. Siepmann and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Maslowski moved, seconded by Mr. Mitchell to adjourn the meeting at 1:55 p.m.*

Respectfully submitted,

*James Siepmann*

James Siepmann  
Secretary

JS:pd